

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

JAMES D.,

Plaintiff,

v.

Case No.: 5:25-cv-00102

**FRANK BISIGNANO,
Commissioner of the
Social Security Administration,**

Defendant.

MEMORANDUM OPINION

This is an action seeking review of the decision of the Commissioner of the Social Security Administration (hereinafter the “Commissioner”) denying Plaintiff’s application for a period of disability and disability insurance benefits (“DIB”) under Title II of the Social Security Act, 42 U.S.C. § 401-433. The case is presently before the Court on the Commissioner’s uncontested Motion for Remand. (ECF No. 9). Both parties have consented in writing to a decision by the United States Magistrate Judge. (ECF No. 10). The Court has fully considered the Motion for Remand and **GRANTS** the same. Accordingly, the Court **REVERSES** and **REMANDS** the decision of the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further evaluation of Plaintiff’s application as stated herein.

Under sentence four of 42 U.S.C. § 405(g), “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or


reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” Because a sentence four remand essentially “terminates the litigation with victory for the plaintiff,” the court enters a final judgment dismissing the case and removing it from the court’s docket. *Shalala v. Schaefer*, 509 U.S. 292, 299 (1993) (“Under § 405(g), ‘each final decision of the Secretary [is] reviewable by a *separate* piece of litigation,’ and a sentence-four remand order ‘*terminate[s]* the civil action’ seeking judicial review of the Secretary’s final decision.”) (quoting in *Sullivan v. Hudson*, 490 U.S. 877, 892 (1989)).

The Court **REVERSES** the final decision of the Commissioner; **GRANTS** the Motion for Remand, (ECF No. 9); **REMANDS** this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with this opinion; and **DISMISSES** this action from the docket of the Court. A Judgment Order will be entered accordingly.

The Clerk of this Court is directed to transmit copies of this Memorandum Opinion to counsel of record.

ENTERED: June 17, 2025





Joseph K. Reeder
United States Magistrate Judge